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| 09/817,072      | 03/26/2001  | Brenda Pomerance     | BRENDA 10           | 9825             |

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| EXAMINER |
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| ART UNIT | PAPER NUMBER |
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3629

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/817,072

Applicant(s)

POMERANCE, BRENDA

Examiner

Janice A. Mooneyham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 43-63 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 43-63 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This is in response to the communication filed on May 16, 2005, wherein:  
  
Claims 43-63 are currently pending;  
  
Claims 1-42 have been cancelled;  
  
Claims 43-63 are new.

### ***Claim Objections***

2. Claim 58 is objected to because of the following informalities: The applicant has claim 58 depending on claim 58. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 43-63 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claims 43, 51, and 56, the applicant claims "receiving form a complainer, problem circumstance relating to a prior transaction with a target party and remedy desired from the target party". It appears that the remedy desired should be from the complainer.
4. Claims 43-63 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claims 43, 51 and 56, the applicant states that the problem circumstances and a remedy desired are received from the complainer and the target party (but maybe should be the complainer). The comparing step only compares

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the problem circumstances with the stored business rules, not the desired remedy.

However, the comparing step is to determine if the desired remedy is acceptable.

5. Claim 53 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The applicant states that when the desired remedy is not acceptable to the target party, offering a remedy in accordance with stored business rules that when accepted by the complainer, is provided by the computer to the complainer. It is unclear what is accepted by the complainer and what the provided by the computer to the complainer.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 43-63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sloo (SU 5,895,450).

Referring to Claim 43:

Sloo discloses a method of processing a complaint, comprising;

receiving from a complainer, at a computer, problem circumstances relating to a prior transaction with a target party and a remedy desired (*Figure 3 (300) Register Complaint; col. 4, lines 61-65 program prompts the user to enter his or her complaint; the action the user requests to resolve the complaint or dispute*);

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automatically (*artificial intelligence techniques*) comparing, at the computer, the problem circumstances with stored rules (*data records*) to determine if the desired remedy is acceptable (*col. 9, lines 32-49 the program uses artificial intelligence techniques to make a decision; the program may compare all the information known about a dispute; col. 10, lines 13-22 the program may compare the characteristics from the current data record with the characteristics from previously resolved complaints to arrive at an appropriate judgment for almost any type of complaint or dispute; col. 10, lines 48-53 this routine allows any user to determine the likely resolution of a dispute; col. 10, line 54 thru col. 11, line 5 the program may compare outcomes and predict the outcome for the present situation based on known outcomes. Artificial intelligence techniques may be used to predict an outcome base on what it has learned. Thus, the program may suggest the best behavior to the user by providing guidelines for appropriate behavior before a dispute arises; col. 11, lines 21-62 the program may compare the characteristics from the current question or dispute with the characteristics from the data records to arrive at an appropriate solution and the system can accurately predict a solution for almost any type of complaint or dispute*), and

when the comparison indicates that the desired remedy is acceptable, automatically, by the computer on behalf of the party, advising the complainer that the desired remedy will be provided by the party (*col. 11, lines 44-53 a dispute was resolved using any of the previous routines above, a judgment was rendered that required the subject to reimburse the complainant for damaged merchandise; Figure 3 (notify subject (316))*).

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Sloo discloses data records, the records including both complainant and the subject's (target party) information (col. 2, lines 56-61; col. 9, lines 42-45; col. 9, line 64 thru col. 10, line 39) that can be used to accurately predict the proper judgment for almost any type of complaint or dispute employing artificial intelligence processing to determine the best solution or outcome to a dispute and the program may use artificial intelligence techniques to compare the records and determine the best solution or outcome (col. 9, lines 32-39 and col. 10, lines 14-39). Sloo does not explicitly disclose using business rules from the target party.

However, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the business rules from the target party into the complaint handling method of Sloo since it is in the target parties best interest to have business rules established and input into the data records so that once a complainant enters a complaint and remedy information, the complaint handling system will have the target party's business rules stored in the data records and will be better able to arrive at a solution that is acceptable to both the complainant and the target party and hopefully resolve disputes with more favorable outcomes to both parties.

Referring to Claims 44 and 52:

Sloo discloses wherein at least one of the stored business rules specifies, for a problem type, at least one acceptable remedy (col. 11, lines 44-53 reimbursement for damaged merchandise).

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Referring to Claims 45 and 53:

Sloo discloses wherein when a problem type has at least two acceptable remedies, the business rules specify a precedence ordering for the acceptable remedies (col. 10, lines 22-34 determines the best solution or outcome to a dispute).

Referring to Claims 46, 54 and 59:

Sloo discloses collection of data via any conventional input collection method such as questionnaires and that the subject may respond to the complaint by entering information in one of the access terminals, emailing, transmitting by way of a communication network, or mail or fax (col. 6, lines 55-67; col. 10, lines 7-22)

Sloo does not disclose automatically providing, from the computer to the complainer, a stored text paragraph previously created by the party at a designated point in the complaint preparation phase.

However, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate text from the target party, such as a questionnaire or an apology, so that the target party can find out from the complainant if the complaint or dispute has been handled satisfactorily, or if not, what could be done better, or the target party may just want to extend, in the name of good customer service, an apology to the complainant for any inconvenience.

Referring to Claim 47-48 and 60-61:

Sloo discloses using public sentiment regarding a dispute to establish an overall setting or environment for the dispute to aid in the artificial intelligence processing (col. 10, lines 3-6) Sloo also discloses tracking decisions and their effects on any number of

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environment/societal factors so that far-reaching and long-term affects on society can be determined (col. 10, lines 22-34). Sloo also prompts the user to enter a detailed complaint (col. 4, line 61 thru col. 5, line 2), creates a data record that is used to store the particular complaint, response, and other information relating to the complaint, and creates a performance record for the particular user which is used to store the user's conduct. Soo then uses the artificial intelligence techniques to predict outcomes based on what has been learned about the behavior, situations and their outcome (col. 10, lines 54-66).

While Sloo discloses incorporating environmental and societal factors to aid the artificial intelligence processing, prompting the user to enter a detailed complaint and data records containing information relating to the dispute, Sloo does not explicitly disclose the problem circumstances including emotional detail information of the complainer or summarizing the emotional detail to generate emotional state information as part of the problem circumstances.

However, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the emotional detail information of the complainant and a summary this information in the detailed complaint information and the data records of the complaint handling method of Sloo to allow the artificial intelligence techniques to compare the emotion of the current situation with other similar situations having known outcomes and be able to predict the outcome of the present situation based on what the system has learned about behavior, situations and outcomes and render future decisions that will result in a positive effect.



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Referring to Claim 49 and 62:

Sloo discloses wherein the problem circumstances and desired remedy are defined during a complaint preparation phase, and further comprising automatically providing advisory information to the complainer during the complaint preparation phase (*col. 4, line 61 thru col. 5, line 2 program prompts the complainant to enter a detailed complaint and the action the user requests to resolve the complaint or dispute; col. 11, lines 21-37 the apparatus and program accumulate data records that can be used to accurately predict a solution for almost any type of complaint or dispute and transmits or allows the user to view the proposed solution*).

Referring to Claim 50 and 63:

Sloo discloses wherein the advisory information is selected in accordance with the problem circumstances (*col. 10, lines 14-39 the program compares the characteristics from the current data record with the characteristics from the data records for previously resolved complaints to arrive at an appropriate judgment; the program employs artificial intelligence processing to analyze various scenarios to determine the best solution or outcome to a dispute; col. 10, lines 50-53 the routine allows users who are contemplating filing a complaint or responding to a complaint to determine the likely resolution of a dispute before the dispute actually occurs*).

Referring to Claims 51 and 56:

Sloo discloses a method of processing a complaint, comprising;  
receiving from a complainer, at a computer, problem circumstances relating to a prior transaction with a target party and a remedy desired from the target party ((*Figure*

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3 (300) Register Complaint; col. 4, lines 61-65 program prompts the user to enter his or her complaint; the action the user requests to resolve the complaint or dispute);

automatically (via artificial intelligence techniques) comparing, at the computer, the problem circumstances with stored rules (data records) previously created to determine if the desired remedy is acceptable (col. 9, lines 32-49 the program uses artificial intelligence techniques to make a decision; col. 10, lines 13-22 the program may compare the characteristics from the current data record with the characteristics from previously resolved complaints to arrive at an appropriate judgment for almost any type of complaint or dispute; col. 10, lines 48-53 this routine allows any user to determine the likely resolution of a dispute; col. 10, line 54 thru col. 11, line 5 the program may compare outcomes and predict the outcome for the present situation base on known outcomes. Artificial intelligence techniques may be used to predict an outcome base on what is has learned. Thus, the program may suggest the best behavior to the user by providing guidelines for appropriate behavior before a dispute arises; col. 11, lines 21-62 the program may compare the characteristics from the current question or dispute with the characteristics from the data records to arrive at an appropriate solution and the system can accurately predict a solution for almost any type of complaint or dispute), and

when the comparison indicates that the desired remedy is not acceptable, automatically, by the computer providing a remedy offer to the complainer in accordance with the stored rules that, when accepted by the complainer, is provided by the computer to the complainer (col. 7, lines 29-40 Automatic Negotiator allows the

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*apparatus to determine a resolution to the dispute; col. 9, line 64 thru col. 10, line 39 the to assist in automatic judgment - program compares the characteristics from the current data record with the characteristics from the data records for previously resolved complaints to arrive at an appropriate judgment).*

Sloo discloses data records, the records including both complainant and the subject's (target party) information (col. 2, lines 56-61; col. 9, lines 42-45; col. 9, line 64 thru col. 10, line 39) that can be used to accurately predict the proper judgment for almost any type of complaint or dispute employing artificial intelligence processing to determine the best solution or outcome to a dispute and that the program may use artificial intelligence techniques to compare the records and determine the best solution or outcome (col. 9, lines 32-39 and col. 10, lines 14-39). Sloo does not explicitly disclose using business rules from the target party.

However, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the business rules from the target party into the complaint handling method of Sloo since it is in the target parties best interest to have business rules established so that once a complainant enters the complaint and remedy information, the target party through a complaint handling system will be better able to arrive at a solution that is acceptable to both the complainant and the target party and to hopeful resolve disputes with more favorable outcomes to both parties.

Referring to Claim 55:

Sloo discloses wherein the complainer provides the problem circumstances and desired remedy to a website during an interaction session with the website (*Figure 3*

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*(300) Register complaint; col. 4, lines 61-65 prompts user to enter detailed complaint and action the user request to resolve the complaint or dispute), and where the remedy offer is provided to the complainer during the interaction session with the website (col. 3, lines 31-39 the network may be a wide area network; col. 6, lines 55-64 subject may respond to the complaint by entering information in of the access terminals and emailing or transmitting the information to the central computer by way of the communication network).*

Referring to Claim 57:

Sloo discloses wherein at least one of the parameters of the offered remedy can be negotiated by the complainer (*Figure 7 (702) Negotiate*).

Referring to Claim 58:

Sloo discloses wherein the offered remedy is a refund or credit (*col. 11, lines 46-51 reimburse the complainant for damaged merchandise*).

### ***Response to Arguments***

Applicant's arguments with respect to claim 1-42 have been considered but are moot in view of the new ground(s) of rejection and the fact that claims 1-42 have been cancelled, and claims 43-63 are all new claims.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

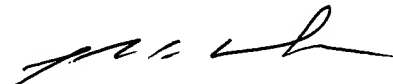
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janice A. Mooneyham whose telephone number is (571) 272-6805. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JM



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